REMARKS/ARGUMENTS

Claims 1-21 and 24-29 are currently pending in the present patent application, with claims 22 and 23 having been cancelled through the above claim amendments.

In an Office Action mailed on October 11, 2006, the Examiner rejected claims 17-23 under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Claim 17 has been amended to recite a "computer readable storage medium" and to recite that the data in the received return translation request is stored. Claim 17, as amended, satisfies Section 101 and this rejection should be withdrawn. Claims 22 and 23 have been cancelled, rendering moot the rejections of these claims.

The Examiner also rejected claims 1-29 as being anticipated by U.S. Patent Application Publication No. 2005/0267738 to Wilkinson *et al.* ("Wilkinson"). Wilkinson discloses a language translation system for human communication. The system includes a sending computer system 11, a receiving computer system 21a and a translation Web site 31. The communications dealt with in Wilkinson are textual communications such as email messages and it is the textual content of these messages that is being translated. The sending computer system 11 is arranged (see Figure 1) such that when sending a communication, a first human perceptible language associated with the sender is determined. Also, a second human perceptible language associated with the recipient is determined. If the first and second languages are different, the sending computer system 11 sends the communication to the translation system 31 for translation. The address of the receiving computer system 21a is sent as part of the communication. The translation Web site 31 translates the communication and forwards the translated communication to the receiving computer system 21a. If the first and second languages are the same, the communication is sent by the sending system 11 directly to the receiving system 21a. The receiving computer system checks the language of incoming communications against that of the recipient and, if necessary, sends the communication to the translation site 31 for translation and return.

As embodiments of the present invention illustrate, such as the embodiments of Figures 1 and 2, the DTS server system 106 translates data in a first format into data in a second format where such translation is not limited to "textual" translation. Embodiments of the present system are not limited to textual translation of data associated with the content of messages themselves, to which Wilkinson is directed. Instead, with

embodiments of the present invention translated data is a first nontextual format into a second nontextual format, as the sample translation engines 204 of Figure 2 illustrate.

Now turning to the language of amended claim 1, this claim recites 1 a method of translating data from a first nontextual format into one or more translated nontextual formats. The method include, in part, translating the data in the first nontextual format to a corresponding nontextual translated format on the server system via the corresponding translation services. Wilkinson neither discloses nor suggests such an operation. As previously discussed, Wilkinson is directed to the translation of textual content of messages and is not directed to other nontextual aspects. No teaching or suggestion in Wilkinson is found for translating XML documents in one form to XML documents in another form, for example, where this type of nontextual translation is disclosed and now expressly recited in claim 1.

The combination of elements recited in claim 1 is allowable for these reasons, and dependent claims 2-6 are allowable for at least the same reasons as claim 1 and due to the additional limitations added by each of these dependent claims.

Neither does Wilkinson disclose or suggest the method directed to a server system recited in independent claim 7, the method directed to client systems recited in independent claim 12, or the computer systems recited in independent claims 24 and 28. These independent claims are accordingly allowable for reasons similar to those set forth above with regard to claim 1. All dependent claims not expressly discussed above are allowable for at least the same reasons as the associated independent claim and due to the additional limitations added by each of these dependent claims.

It should be noted that although the claims have been amended and arguments presented above to distinguish over Wilkinson, this reference may not be prior art to the present application.

The undersigned understands that the USPTO has adopted an interim policy, in effect while courts decide the issue, wherein a signal containing computer instructions is regarded to be non-statutory subject matter. To comply with the Examiner's rejection under this policy and further prosecution on the merits, the undersigned has complied with the Examiner's corresponding rejections and amended claim 17 as recommended by the Examiner and has cancelled claims 22 and 23. The pending claims should be regarded, however, as reading on the entire breadth of corresponding computer-readable media and equivalents, such as propagated or carrier wave signals, as may be determined statutory

by the courts and/or legislative action.

The present patent application is in condition for allowance. Favorable consideration and a Notice of Allowance are respectfully requested. Should the Examiner consider any of the claims not allowable in view of the above amendments and remarks, the undersigned attorney requests the Examiner to contact him at (425) 455-5575 to arrange for a telephone interview to discuss the outstanding issues.

Respectfully submitted,

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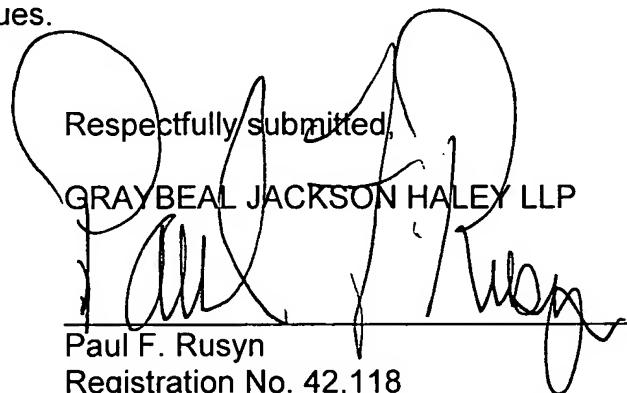
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